UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

Dear Training Provider:

On August 1, 2023, the U.S. Environmental Protection Agency (EPA) published a proposal to revise the dust-lead hazard standards (DLHS) from 10 micrograms per square foot (µg/ft^2) and 100 µg/ft^2 for floors and window sills to **any reportable level** as analyzed by a laboratory recognized by EPA's National Lead Laboratory Accreditation Program (NLLAP), and to lower the dust-lead clearance levels (DLCL) from 10 µg/ft^2, 100 µg/ft^2 and 400 µg/ft^2 for floors, window sills, and window troughs to **3 µg/ft^2, 20 µg/ft^2, and 25 µg/ft^2**, respectively. EPA has also proposed other amendments to EPA's Lead-Based Paint Program, such as aligning the definition of target housing with the statute, among others. The DLHS and the DLCL were last updated in 2019 and 2021, respectively. This action is being done in accordance with a May 2021 Ninth Circuit Court of Appeals opinion, which explains that DLHS must be based solely on health factors, while the DLCL must consider the additional factors of safety, effectiveness and reliability. The proposed rule aligns the DLHS and DLCL with the best available science, further strengthening EPA's efforts to protect children from lead hazards.

EPA is notifying all training providers accredited by EPA to teach about lead-based paint (LBP) activities (i.e., LBP inspections, risk assessments and abatements), as well as those training providers accredited to teach about renovation, repair, and painting (RRP) activities, of the effect of this rule, if finalized a proposed, on their work. The proposed rule is currently out for public comment for 60-days. The public comment period ends on October 2, 2023. Read the press release for more information.

Training Providers That Teach About Lead-Based Paint Activities:

If finalized as proposed, for inspections, lead-hazard screens, or risk assessments, risk assessors or inspectors would need to compare dust sampling results for floors and window sills to the new, lower DLHS from this rule. **Any reportable level** as analyzed by an EPA-recognized NLLAP laboratory would indicate that a dust-lead hazard is present on the surfaces tested. In addition, this proposal would revise the definition of abatement so that the recommendation for action applies when dust-lead loadings are at or above the DLCL (rather than the DLHS as has been done historically).

The proposal also includes revisions to the clearance levels to 3 µg/ft^2 for floors, 20 µg/ft^2 for window sills and 25 µg/ft^2 for window troughs. If finalized as proposed, certified risk assessors and inspectors would need to compare post-abatement dust sampling results to these new lower levels. If finalized as proposed, there may also be an increase in abatement projects that may require additional cleaning in order to achieve post-abatement clearance as a result of these revisions. To point the public to a lead-based paint resource and to assist with risk communication, EPA is also proposing to require new language in the abatement reports if a project's final clearance levels fall between the DLHS and the DLCL.

The proposed DLHS and DLCL would not impose retroactive requirements on regulated entities that have previously performed LBP activities.

Training Providers That Teach About Renovation, Repair, and Painting Activities:
EPA's RRP program, which aims to protect the public from lead-based paint hazards associated with renovation, repair and painting activities, includes optional dust-lead clearance testing (see 40 CFR § 745.85(c)). As a result, if this rule is finalized as proposed and if the optional dust-lead clearance testing is utilized, certified risk assessors, inspectors, and dust sampling technicians would have to compare post-renovation dust sampling results for floors and window sills to the new, lower DLCL from this rule (i.e., **3/20/25 µg/ft^2** for floors, window sills, and window troughs, respectively). If sampling results are equal to or greater than the corresponding clearance levels, then clearance fails, and those components represented by the sample would need to be recleaned and retested until clearance can be achieved. Additional cleaning may be necessary in order to achieve post-renovation clearance as a result of these revisions.

Training Providers That Teach About Both LBP Activities and RRP:
EPA encourages LBP professionals to check with their state and local agencies with LBP programs as they may require actions based on the potential revisions. For further information, please see the following URL: https://www.epa.gov/lead/hazard-standards-and-clearance-levels-lead-paint-dust-and-soil-tsca-sections-402-and-403.

Additionally, EPA has proposed to update the definition of target housing in 40 CFR 745.103 and 40 CFR 745.223 to align with the statutory changes made in 2017 (by including zero-bedroom dwellings if a child less than six years of age resides or is expected to reside there), and to make conforming edits to language in 40 CFR 745.223 and 40 CFR 745.227. Relatedly, EPA is proposing revisions to the definition of child-occupied facilities in 40 CFR 745.223 and related regulatory language in 40 CFR 745.227 to establish consistency in age (i.e., less than six years) throughout the LBP regulations.

Finally, EPA has proposed to require submissions for application payments, applications, and notifications (i.e., abatement and training notifications) be done electronically.

For more information, please see the proposed rule and attend the public webinar on August 23, 2023, for an overview of the proposal and an opportunity to provide comments. If you have any questions regarding these revisions, please contact the National Lead Information Center at 1-800-424-LEAD [5323].

Sincerely,

Marc Edmonds, Acting Chief
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